

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-6 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the remarks as set forth below.

Rejection under 35 U.S.C. 103

Claims 1-6 stand rejected under 35 U.S.C. 103 as being obvious over Hipwood (U.S. Patent 1,429,428) in view of Yanagisawa (U.S. Patent 5,881,981). This rejection is respectfully traversed.

The Examiner states that Hipwood shows an elastomeric spring installed in the tip of the stand having a base 8 made of an elastic material and having an installation space 7 disposed on the top of the base, a protruded middle section 9 extending outwardly from the lower section of the base in spherical shape and a hollow center 13 formed in the shape of a truncated sphere. The Examiner mention Hipwood does not teach the installation of the spring on a musical instrument stand. The Examiner relies on Yanagisawa to teach such an installation.

Applicants submit that the features of Hipwood differ from the features described in claim 1. Applicants furthermore submit that the Examiner has misinterpreted the teachings of Hipwood. The tip 8 is for a crutch, not a musical instrument. However, it includes a recess 7 for receiving the end of the crutch. The side ball of the tip is flared outwardly to the bottom at 9. A concave portion 11 is formed in the bottom. A bead 12 which is circular is found on the bottom face of the tip.

Claim 1 describes the middle section as being protruded and extending outwardly from a lower section of the base in a spherical shape. In Hipwood, the bottom flares outwardly rather than the middle. Thus, this does not extend outwardly from the lower section of the base so the widest point is at the lower section. Furthermore, it does not form a spherical shape in any manner. Further, the last paragraph of claim 1 describes the protruded middle section as having

a hollow center. While Hipwood shows a concave section in the bottom of the tip, but it does not show a hollow center of the middle section. Further, the hollow section in Hipwood is not a truncated sphere. Further, the opening does not appear to be smaller in diameter than the recess, although it appears to be essentially the same diameter. For these reasons, Applicants submit that Hipwood does not show the present claimed invention since it is in a different shape than that described in claim 1.

Claims 2-6 depend from claim 1 and as such are also considered to be allowable. In addition, each of these claims recite other features that make them additionally allowable. In particular, the Examiner's attention is directed to claim 5 which describes that the truncated sphere is surrounded by the shell wall. Applicants submit that the concave area shown in Hipwood is not a truncated sphere and furthermore is not surrounded by a shell wall. This differs from the shape of the present invention shown in Figure 4B, for example, where the hollow center 40 is surrounded except for a small opening 50 at the bottom of the spring. It should be remember that the present invention is designed to be used on a leg of drum or similar musical instrument to prevent it from moving, and to absorb vibrations. This type of device would be considerably lighter in weight than the tip of a crutch which must support considerable weight. The present invention uses a hollow sphere with a relatively thin shell wall which flexes to absorb vibrations. This type of arrangement can not be similar to that of Hipwood which must use a thick wall to support the weight pressed on it. Accordingly, Applicants submit that claim 5 is additionally allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejection and allowance of all of the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone

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number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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